IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE BILAL NAZKI**

**and**
**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT APPEAL NO : 1223 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22/10/2003 in WP NO : 4391 OF 2003 on the file of the High Court.)

Between:

1 A.P.State Road Transport Corporation,
Mushirabad, Hyderabad. rep., by its Managing Director,
2 APSRTC rep., by its Depot Manager, Tandur Depot,
R.R.District.

**..... APPELLANT(S)**

AND

1 G.Rami Reddy, S/o G.Venkat Reddy,
Kothapally (V), Karimnagar District.
2 Addl.Industrial Tribunal-cum-Addl.Labour Court,
Hyderabad rep., by its Presiding Officer.

**.....RESPONDENT(S)**

**Counsel for the Appellant:MR.K.HARINATH**

**Counsel for respondent No.1: MR.V.R.BALACHARI**

**Counsel for respondent No.2: GP for Labour**

**The Court made the following ORDER:**

(per Hon’ble Sri Justice Bilal Nazki)

This appeal is filed against the order of the learned single Judge in writ petition

No.4391 of 2003. It appears that award was passed by the Labour Court on 3-3-2000 and it became final as it was not challenged before any authority but it was not executed. Therefore, the respondent No.1 sought for its execution and the Tribunal passed an order on 3-1-2003. Now directions have been given by the Tribunal in its order in execution petition. This order is challenged in the writ petition. The learned single Judge found that the execution order was in conformity with the award. Since there was no challenge to the award the execution could not be challenged.

Respondent No.1 was terminated from service. The Tribunal directed the punishment of removal be converted into one of stoppage of three annual increments without cumulative effect. The present appellants were also directed to, "grant all the retiremental benefits, as if he was in service till the date of his retirement with all the attendant benefits but without backwages". This order has become final. Therefore, it will not lie in the mouth of the appellants to say that the respondent No.1 did not work for a period of 17 years and, therefore, he could not get gratuity for whole of his service and could also not have got the leave encashment when he had not earned leave. This argument could possibly be considered had there been any challenge to the award. Since the award has become final and that has not been challenged, it is too late in the day for the appellants to raise such pleas. We do not find any ground to interfere with the order of the learned single Judge. Writ appeal is accordingly dismissed.

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**BILAL NAZKI, J**

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**S.ANANDA REDDY, J**

**10th August, 2004.**

nmr

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SECTION OFFICER

**To**

1 Managing Director, A.P. State Road Transport Corporation,
Mushirabad, Hyderabad.
2 APSRTC rep., by its Depot Manager, Tandur Depot,
R.R.District.

3 Addl.Industrial Tribunal-cum-Addl.Labour Court,
Hyderabad rep., by its Presiding Officer.

4 2 CCs Government Pleader for Labour, High Court of Andhra Pradesh, Hyderabad (OUT)

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